ELEVENTH REPORT

ESTIMATES COMMITTEE

(1985-86)

(EIGHTH LOK SABHA)

MINISTRY OF DEFENCE

COAST GUARD ORGANISATION

Action taken by Government on the Recommendations Contained in the seventy-first Report of Estimates Committee (seventh Lok Sabha) on the Ministry of Defence-Coast Guard Organisation.

Presented to Lok Sabha on 22 August 1985

LOK SABHA SECRETARIAT
NEW DELHI

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(1985-86)

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(1985-86)

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INTRODUCTION

1. the Chairman of the Estimates Committee having been authorised by the Committee to submit the Report on their behalf present this Eleventh Report on action taken by Government on the recommendations contained in the seventy-first Report of the Estimates Committee (7th Lok Sabha) on the Ministry of Defence—Coast Guard Organisation.

2. The Seventy-first Report was presented to Lok Sabha on 24th April, 1984. Government furnished their replies indicating action taken on the recommendations contained in that Report on 22nd December, 1984 and 16th January, 1985. The replies were examined by Study Group of Estimates Committee on Action Taken at their sitting held on 17th July, 1985. The draft report was adopted by the Committee on 22nd July, 1985.

3. The Report has been divided into following Chapters:—

(i) Report.

(ii) Recommendations/Observations which have been accepted by Government.

(iii) Recommendations/Observations which the Committee do not desire to pursue in view of Government's replies.

(iv) Recommendations/Observations in respect of which replies of Government have not been accepted by the Committee.

(v) Recommendations/Observations in respect of which final replies of Government are still awaited.

An analysis of action taken by Government on the Recommendations contained in seventy-first Report of Estimates Committee (Seventh Lok Sabha) is given in Appendix. It would be observed that out of 18 recommendations made in the Report 13 recommendations *i.e.* about 72 per cent have been accepted by Government. Replies have not been accepted in respect of 5 recommendations *i.e.* about 28 per cent.

NEW DELHI;
July 30, 1985
Sravana 8, 1907 (*S*)

CHINTAMANI PANIGRAHI,
Chairman,
Estimates Committee.

CHAPTER I

REPORT

1.1 This Report of the Estimates Committee deals with action taken by Government on the recommendations contained in their 71st Report (7th Lok Sabha) on the Ministry of Defence—Coast Guard Organisation which was presented to Lok Sabha on 24 April, 1984.

1.2 Action Taken Notes have been received in respect of all the 18 recommendations contained in the Report.

1.3 Action Taken notes on the recommendations of the Committee have been categorised as follows:—

(i) Recommendations/Observations which have been accepted by the Government:—

Sl. Nos. 3, 4, 6, 7, 9, 10, 11, 12, 13, 15, 16, 17 and 18.

(Chapter II—Total—13)

(ii) Recommendations/Observations which the Committee do not desire to pursue in view of Government replies:—

NIL

(Chapter III—NIL)

(iii) Recommendations/Observations in respect of which Government's replies have not been accepted by the Committee:—

Sl. Nos. 1, 2, 5, 8, 14.

(Chapter IV—Total 5)

(iv) Recommendations/Observations in respect of which final replies are still awaited:—

NIL

(Chapter V—Total NIL)

1.4 The Committee will now deal with action taken by Government on some of the recommendations.

Development of Coast Guard Organisation

Recommendation (Sl. No. 1, Para 1.9)

1.5 The Committee were concerned to note that the Coast Guard Organisation set up in August, 1978 as an Armed Force of the Union, was nowhere near fully discharging the statutory duties assigned to it by Parliament under the Coast Guard Act, 1978 and transforming itself as an effective instrument for undertaking maritime surveillance over country's 2.8 million Sq. Kilometres long coastline. The Committee desired that there should be time bound programme for development of this organisation on the lines envisaged in the legislation and it should be adhered to.

1.6 The Ministry of Defence, have in their action taken reply, *inter-alia* stated that Coast Guard had a time bound programme for the development of this organisation. Keeping in view the ultimate force level, a Five Year Plan for the period 1979-84, was drawn up and approved by the Cabinet Committee on Political Affairs. This Plan envisaged acquisition of following ships and aircraft:—

(a) Off-shore Patrol Vessels	3
(b) In-shore Patrol Vessels	3
(c) Helicopters	3
(d) Tactical Surveillance Aircraft	9

1.7 The ultimate force level which was planned to be achieved is given below:—

(a) Coastal Surveillance Aircraft	36
(b) Medium Range Surveillance Aircraft	9
(c) Inshore Patrol Vessels	26
(d) Offshore Patrol Vessels	24
(e) Deep Sea Petrol Vessels	6
(f) Rescue cum-Pollution Control Vessels	4
(g) Rescue Helicopters	6

1.8 A table showing the sanction accorded by the CCPA for Coast Guard Development Plan 1979—84 and the actual acquisition so far achieved is given below:—

Type	Nos. approved by CCPA	Addl. No.	Total	Actual Acquisition
Off-shore Patrol vessels.	3	3	6	1
In-shore Patrol Vessels	3	9	12	8
Helicopters	3	3*	6	3
Light Surveillance Aircraft	9	Nil	9	3@

*Case under consideration of Government.
@Will be delivered in 1935.

1.9 The next Five Year Plan for the period 1985—90 had also been prepared and was currently under finalisation. The Plan proposed the financial outlay of approximately Rs. 550 crores as compared to the financial outlay of Rs. 110 crores for the Plan 1979—84. With the sanction and implementation of this Plan, the following force levels is expected to be achieved by March, 1990:—

(a) Coastal Surveillance Aircraft	12
(b) Medium Range Surveillance Aircra ft	4
(c) Inshore Patrol Vessels and Seawar d Defence Boats	19+5
(d) Offshore Patrol Vessels	12
(e) Deep-sea Patrol Vessels	1
(f) Rescue-cum-Pollution Control Vess els	2
(g) Rescue Helicopters	2

1.10 The Ministry have further stated "the Coast Guard, being a maritime force, required highly trained and skilled manpower to man its sophisticated ships and aircraft. The training of these personnel is also a very time consuming aspect. The acquisition of ships and aircraft is inherently a time consuming process. The need to develop the capability of indigenous manufacturing has also to be kept in view. It is well-known that indigenous construction of these ships and aircraft under licence takes longer period than for outright acquisition from abroad. Nevertheless despite these constraints the Coast Guard is growing smoothly and in an orderly fashion."

1.11 The Committee are distressed to note that till the end of 1984 the Ministry of Defence have not been able to acquire for the Coast Guard a Single Light Surveillance Aircraft although 9 such aircrafts were approved for acquisition during the Plan period 1979—84. The Committee have, however, been informed that 3 such aircrafts would be delivered to the Coast Guard Organisation during the current year (1985). Again, out of 6 off-shore and 12 inshore Patrol Vessels approved for acquisition during the same plan period (1979—84), only one off-shore and 8 in-shore vessels have been acquired. The Committee do appreciate that longer time is required in the indigenous manufacture of ships and aircrafts as also in the development of human resources to man them. They nevertheless desire that such considerations should precede the fixation of plan targets rather than be advanced as a plea for shortfalls in achievements. Once the plan targets are fixed keeping in view these considerations, every attempt should be made to achieve them. In fact a failure to achieve targets laid down in the plan should reflect on the ability and competence of the officers responsible for plan implementation. The Committee trust that at least for implementing the Plan targets laid down for 1985—90, all preparatory

actions necessary for orderly implementation of the plan would be taken in due time and the targets achieved as per Plan.

Co-ordination between Coast Guard and other Organisations

Recommendation (Serial No. 2, Para 1.10)

1.12 Section 14(3) of the Coast Guard Act, 1978 stipulated that the Coast Guard "shall perform its functions under this section in accordance with, and subject to such rules as may be prescribed and such rules may in particular, make provision for ensuring that the Coast Guard Functions in close liaison with Union Agencies, Institutions and authorities so as to avoid duplication of effort". The Committee had, however, observed that no rules had been framed under the Act for ensuring close liaison between the Coast Guard and other Union Agencies, institutions and authorities. The Secretary, Ministry of Defence tried to defend this failure by saying that Government had not felt the necessity of framing any rule under section 14(3) because the rules under other enactments namely Indian Customs, Act, 1962, Territorial Waters, Continental Sheif, Exclusive Economic Zone and other Maritime Zones Act, 1976, Maritime Act, 1981, etc., were adequate to ensure coordination. he Committee were unable to share that view and had desired that an inter-departmental Committee be constituted to go into this question and evolve rules to bring about effective coordination without duplication of efforts. In this connection the Committee had also drawn attention to the 57th Report of the Rajya Sabha Committee on Subordinate Legislations presented on 22 December, 1983 wherein that Committee had observed: "The Ministry of Defence have all along been trying to minimise their statutory duty to frame rules under the Coast Guard Act, 1978 on flimsy grounds."

1.13 The Ministry had, in their action taken reply, stated that the following rules were at various stages of drafting and were expected to be finalised by the end of March, 1985:—

(a) The Coast Guard (General) Rules,

(b) The Coast Guard (Ceremonial) Rules, and

(c) The Coast Guard (Condition of Service) Rules.

1.14 The Ministry had further stated that framing of rules under the Coast Guard Act was a time consuming exercise involving a number of discussions with various agencies and that certain rules could be framed only after gaining sufficient experience. The Ministry had added: "The delay in the framing of statutory rules is not

preventing or causing obstruction in the performance of the duties for which the service had been created. This is achieved through administrative instructions issued from time to time. Rules which are considered most important for the service, such as, Recruitment Rules, Discipline Rules etc. have already been promulgated."

1.15 The Ministry has stated that as per the Coast Guard Act, the Coast Guard Serivce was required to perform its function in close liaison with Union Agencies, Institutions and Authorities so as to avoid duplication of effort. Though an Inter-departmental Committee had not been constituted.... "...coordination is taken place whenever required without delay e.g. with Ministry of External Affairs, Ministry of Home Affairs, Ministry of Agriculture, Department of Revenue, Ministry of Finance, Ministry of Shipping & Transport, Department of Ocean Development. Frequent meetings both formal and informal are held whenever required. Formalisation of this structure is likely to be under the consultation process more dilatory and procedure bound."

1.16 The Committee had observed that even the basic rules regulating matters like the constitution, governance, command and discipline of the Coast Guard have not been promulgated although the Act was enacted as early as August, 1978. Likewise the rules relating to condition of service of the members of the Coast Guard are yet to be finalised and promulgated. There are several other matters provided for in the Coast Guard Act that require to be regulated by rules. Despite the lacuna being pointed out by them in their earlier report, presented in April, 1984, the Ministry of Defence have reported a very slow progress in the framing and promulgation of rules under the Coast Guard Act, 1978 and have maintained that delay in the framing of statutory rules is not preventing or causing obstruction in the performance of the duties by the Coast Guard Organisation and that administrative instructions issued from time to time are serving the purpose. The Committee would like to point out that administrative instructions to regulate matters for which rules are required to be framed under the Act are not legally maintainable and therefore cannot supplant the statutory rules. The Committee would like the Ministry of Defence to frame and promulgate the statutory rules promptly under intimation to this Committee.

1.17 The statutory duties cast upon the Coast Guard Organisation include ensuring the safety and protection of artificial islands, off shore terminals, installations and other structure and devices in maritime Zones, providing protection to fishermen, preservation and protection of maritime environment, assisting customs and other

authorities in anti-smuggling operations etc. This involves coordination with other Ministries like Ministry of External Affairs, Home Affairs, Agriculture, Finance, Shipping and Transport, Department of Ocean Development etc. Keeping this in view the Committee had recommended the setting up of an Inter-Departmental Committee to go into the question of taking coordinated action by the Coast Guard Organisation so as to ensure that there was no duplication of efforts on the part of different authorities. The Committee do not agree with the contention of the Ministry that "frequent (inter Ministerial) meetings, both formal and informal, are held whenever required" and "formalisation of this structure is likely to be more dilatory and procedure bound." They consider that a formalised system of consultation and inter-action between Ministries handling closely related matters has a definite advantage over impromptu contacts as and when any problem or crisis crops up. They therefore reiterate their earlier recommendation that inter-Ministrial Committee may be set-up for coordinated action by the Coast Guard and other Organisations concerned.

Delegation of Powers

Recommendation (Sl. No. 5, Para 1.25)

1.18 In their recommendation the Committee had desired to review the system of delegation of powers to and within the Coast Guard Organisation to facilitate quick decision being taken.

1.19 In their reply, the Ministry have stated that "the financial powers have hitherto been generally felt to be adequate. However Coast Guard Headquarters are reviewing these and if required will forward appropriate proposals to Government."

1.20 The recommendation of the Committee was based on a clear admission by the Defence Secretary during evidence before the Committee of the inadequacy of the existing financial powers of the Coast Guard Organisation. The Defence Secretary had then also assured the Committee that "we are looking into it and see to what extent the powers can be augmented" (c.f. Para 1.23). In the light of this evidence before the Committee, the statement of the Ministry that "the financial powers have hitherto been generally felt to be adequate" appears incongruous and inexplicable. The Committee would therefore like the Defence Ministry to complete the process of review of the financial and administrative powers of the Coast Guard Organisation without any further delay and liberalise them

to the extent possible and necessary to make for smoother and more efficient working of the Organisation.

Selection and Acquisition of Aircaft

Recommendation Serial No. 8, Para 2.12)

1.21 The representatives of the Ministry of Defence during evidence before the Committee stated that the Development Plan (1979—84) had *inter alia* provided for acquisition of 9 Coastal Surveillance aircrafts for the Coast Guard. A Committee headed by Shri K. P. A. Menon, the then Defence Secretary, was constituted in 1980 for selection of a suitable aircraft for coastal surveillance. Thereafter the Price Negotiating Committee headed by Shri P. K. Kaul, recommended that contractual negotiations be taken up with M/s Dornier. The Committee felt that the process of selection of a suitable aircraft for Coastal Surveillance had taken too long and hope that there would be no further delay in acquisition of the Aircraft. They also desired that the procedure for selection should be rationalised in order to allow of speedy decisions.

1.22 The Ministry have in their action taken note dated December 22, 1984 stated as follows:—

> "The observations of the Committee have been noted by the Government for future guidance. It may, however, be pointed out that the use of multi role and sophisticated aircraft to meet the requirements of various users like the Navy, the Air Force, the Coast Guard and Vayu Doot involved considerable time. The various aircraft had to be technically evaluated in order to have the best possible aircraft. The aspect of the licence production of this aircraft in India was also kept in view. In order to have a viable indigenous production of this aircraft, the total numbers of aircraft was also an important factor. In the interest of standardisation and commonality the requirements of the aforesaid users were clubbed together and this naturally took some time in finalisation of the choice."

1.23 Reply of the Ministry only explains the reasons for delay in finalising the choice of aircraft whereas the Committee had desired the Ministry to review the methods and procedure followed for selection of the aircraft and rationalise them in order to allow speedy decisions in future. The Committee hope that while finalising the reply to the Committee, this aspect had received serious consideration at the highest level.

Legal Proceedings to check unauthorised fishing

Recommendation (Sl. No. 14, Para 3.22)

1.24 Having observed that while the legislation to check unauthorised fishing in our maritime zones was made stringent in 1981, the legal proceedings continued to be long drawn out resulting in berthing of foreign vessels for long periods. The Committee had recommended that besides taking other measures that might be conceived to get over the problem, the feasibility of introducing summary trial of such offences might also be examined by Government.

1.25 The Ministry of Defence have, in their reply, stated as follows:—

> "Certain proposals to streamline the present legal procedures in respect of the apprehended foreign fishing vessels were considered by the Committee of Secretaries in a meeting held on 8th August, 1983. Based on the conclusions of the aforesaid Committee, Coast Guard Headquarters have recommended certain amendments to the Maritime zones of India Act, 1981. In the Inter-Ministerial meeting held on 27th August, 1984 under the chairmanship of the Agriculture Secretary the following decisions were taken:—
>
> (a) Provision for a channel of administrative adjudication in the Maritime Zones of India, Act, 1981.
>
> (b) Provision for valuation of the vessel by Central Government Valuers.
>
> (c) Provisions for custody of the vessel during pendency of trial with Fisheries Survey of India/Ministry of Agriculture.

Meanwhile Coast Guard Headquarters have appointed a Chief Law Officer of the rank of Commodore and there has been some improvement in the progressing of the legal cases in various courts. The Chief Law Officer is also studying the prosecution systems with a view to eliminate delays. A constant monitoring of various cases pending in the courts is also being done. Certain other proposals in this regard for strengthening the legal organisation of the Coast Guard are also under Consideration of the Government. Certain suggestions have also been made to the Ministry of Agriculture for streamlining the prosecution procedure etc."

1.26 The Committee are glad at the report of the Ministry of Defence that with the appointment of Chief Law Officer in the Coast Guard Headquarters, there has been some improvement in the progressing of legal cases in various courts. They would, however, like to be informed of the results of the consideration of various other measures by the Ministries of Defence and Agriculture to eliminate delays at various stages in the legal process following arrest and prosecution of vessels found unauthorisedly fishing in our maritime zone.

Implementation of Recommendations

1.27 The Committee would like to emphasise that they attach the greatest importance to the implementation of the recommendations accepted by Government. They would, therefore, urge, Government to implement such recommendations expeditiously. In case where it is not possible to implement the recommendation in letter and spirit for any reason, the matter should be reported to the Committee in time with reasons for non-implementation.

CHAPTER II

RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

Recommendation (Serial No. 3, Para 1.16)

Under the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976, India's territorial waters extend to 12 nautical miles and continental shelf Exclusive Economic Zone upto 200 nautical miles from the base line. When this Act was passed in 1976 it was envisaged that specific additional legislation on various aspects of jurisdiction would be enacted separately. Accordingly a Task Force on these legislative measures was set up by the Ministry of Defence in 1981. The Task Force favoured framing of exclusive legislation for this purpose. The Committee, however, find that even though a period of more than six years has elapsed since the original Act was passed necessary bills for (a) exploration of off-shore areas for oil and natural gas and (b) exploration and exploitation of mineral resources in the maritime zones have not been introduced in parliament so far. The Committee have been informed that at their meeting held on 12 April, 1983, the Committee of Secretaries have expressed the view that for the present it might not be practical to have a single legislation to cover all aspects relating to sea and sea bed and that a better approach would be to strengthen and enlarge the existing legislation and to bring it in full conformity with the law of the sea, as finally adopted by the United Nations. The Committee would like the Government to consider the matter early and bring forward appropriate legislative proposals.

Reply of Government

Although the Committee of Secretaries who had considered this aspect in April 1983 and it had expressed the view that for the present it might not be practical to have a single legislation to cover all aspects relating to sea and sea bed and that a better approach would be strengthen and enlarge the existing legislation etc. Yet keeping in view the suggestion of the Estimates Committee, relevent extracts of the Report have been sent to the various Ministries|Departments for consideration of this suggestion and to elicit their re-

actions. The role of Coast Guard/Ministry of Defence in the Legislation will be to enforce the provisions of such Legislation in the Maritime Zones of India. It is for the modal Ministries to draft Legislation for the purposes mentioned above.

[Ministry of Defence O.M. No. 11(39) 84/D (N-III) dated 22 December, 1984].

Further Reply of Government

"While framing the Territorial Waters, Continental Shelf, Exclusive Economic Zones and other Maritime Zones Act, 1976, the Ministry of External Affairs observed that different Ministries/Departments should pass supplementary and complimentary legislation to elaborately cover various activities/subjects in the offshore areas. In pursuance of the observation, the Department of Petroleum have drafted a Bill entitled "The Maritime Zones of India (Exploration and Exploitation of Petroleum and Petroleum Products) Bill, 1985" in consultation with the Ministry of Law, Justice & Company Affairs. Present position of the case is that it is being processed for obtaining the approval of the Cabinet to the introduction of this Bill in the Parliament.

[Ministry of Defence O.M. No. 11(39) 84/D (N-III) dated 16 January, 1985].

Recommendation (Serial No. 4, Para 1.24)

The Committee find that though administrative and operational control of Coast Guard Organisation vest in the Ministry of Defence the budget allocations in respect of this organisation are provided by the Department of Revenue in the Ministry of Finance. The Committee were assured in evidence by the Secretary, Ministry of Defence that "in no year what has been scrutinised and approved by the Defence (Finance) has been turned down by the Finance Ministry." The Committee have basically no objection to this arrangement. They would, however, like the Government to ensure that this arrangement does not come in the way of operational effectiveness of the Coast Guard Organisation and that the financial accountability of the Organisation is not in any way compromised.

Reply of Government

The build-up of the Coast Guard is being looked into in a phased manner by the Ministry of Defence and 5-year plans are drawn up at the appropriate time. These plans are very closely scrutinised by the Ministry of Defence and integrated Finance keeping in view

the operational, administrative and other requirements of the Service. Similarly, any other urgent or new schemes outside the scope of these plans are examined by the Ministry and sanctioned to ensure proper growth of the Service. After these schemes have been finalised by the Ministry of Defence, the budget allocations are requested from the Department of Revenue in the Ministry of Finance. The allocations are provided for all these schemes by the Department of Revenue without retailoring either the plan or any of the schemes sanctioned by the Ministry of Defence.

2. It shall be observed from the above that the schemes/plans for the development of the Coast Guard are drawn out keeping in view the operational and the administrative role of the Service and thereafter the funds are requested from the Department of Revenue. Since the allotment of funds generally follows after the plans have been finalised, the constraint of resources in finalising these plans is eliminated.

No problem in the implementation of this has been experienced in the past or envisaged in the future. The financial performance of the Service is closely scrutinised by Ministry of Defence (Finance) and therefore the question of compromising financial performance does not arise.

[Ministry of Defence O.M. No. 11(39) 84/D (N-III) dated 22 December, 1984].

Recommendation (Serial No. 6, Para 1.30)

The Committee find that in the year 1980-81, 1981-82 and 1982-83 as against the original budget estimate of Rs. 1272.05 lakhs, Rs. 2492.92 lakhs and Rs. 3991.43 lakhs and revised budget estimates of Rs. 932.08 lakhs, Rs. 3930.57 lakhs and Rs. 3766.65 lakhs respectively, the actual expenditure of the Coast Guard had amounted to Rs. 464.14 lakhs, Rs. 1996.20 lakhs and Rs. 2536.31 lakhs only representing underutilisation of funds to the extent of as much as 50 per cent in 1980-81 and 1981-82 and 33 per cent in 1982-83. While the underutilisation of funds in 1980-81 has been attributed to delay in acquisition of an Aircraft, the shortfall in 1982-83 is stated to have been caused by slippages in the construction schedule of 3 off-shore Patrol vessels at the Mazagon Dock Ltd. The Committee thus find that funds are no constraint to the growth of the organisation but the implementation of Plans needs to be streamlined. The Committee trust that the system would be improved to avoid any further slippages. The Committee would await the steps taken in this regard.

Reply of Government

The figure of Rs. 3930.57 lakhs quoted as Revised Estimates for 1981-82 is a typographical error, and should read Rs. 2205.57 lakhs. Similarly, the actual expenditure of Rs. 2536.31 lakhs for the year 1982-83 is expenditure upto 28 Feb., 83, whereas an expenditure of Rs. 3097.11 lakhs was incurred up to 31 Mar. 83. In view of above, the revised financial layout is given below. The shortfall in expenditure in terms of percentage is also shown against each:—

(Rs. in lakhs)

Year	Budget Estimates	Revised Estimates	Actual	Shortfall	Percentage
1980-81 .	1272.05	932.08	464.14	467.94	50.2
1981-82 .	2492.92	2205.57	1996.20	209.37	9·4
1982-83 .	3991·43	3766·65	3097·11	669.54	17·7
1983-84 .	3388·30	3385·99	3318·10	67·89	2

2. The expenditure is booked under two Major Heads, viz., Revenue and Capital. The acquisition of aircraft is booked under 'Revenue' and that of ships under the 'Capital'. The reasons for the shortfall in expenditure in respect of each year are given below:—

(a) *Year* 1980-81

(i) The Coast Guard development plan 1979-84 was only approved on 30 June, 1980. The augmentation of manpower as contemplated in 1979-80 could not take place as envisaged and, therefore, expenditure under 'Revenue' fell short of revised estimates.

(ii) The funds allocated for acquisition of aircraft could not be utilised as the proposal for acquisition of 9 Islander aircraft was dropped in the interest of a common aircraft to be produced in India under licence.

(iii) The orders for 3 OPVs were placed in Dec., 80. However, very little progress was made in the construction of these vessels by the shipyard and, therefore, only Rs. 2.22 crores was booked as against Rs. 5.5 crores provided in the revised estimates.

(iv) A sum of Rs. 1.5 crores was provided under sub-Head 'Maintenance'. The maintenance of the ships was

entrusted to Naval Dockyard, who failed to book the expenditure during the year, as the procedure to raise bills was not finalised by that service.

(b) *Year* 1981-82

A sum of approximately Rs. 2.5 crores for aircraft and Rs. 2.25 crores for maintenance was budgetted during the year. The selection of aircraft could not be finalised during the year by the Government, resulting in the lapse of funds meant for the purpose. The bills for maintenance of ships were also not raised in time. This resulted in shortfall of expenditure of approximately Rs. 4.5 crores under Major Head 'Revenue'.

(c) *Year* 1982-83

The non-finalisation of the selection of aircraft once again resulted in a shortfall of revenue expenditure by an amount of approximately Rs. 3 crores. Similarly, Garden Reach Shipbuilders & Engineers Ltd., Calcutta, on which the order for 3 Seaward Defence Boats was placed, made very little progress in construction of these vessels during the year.

(d) *Year* 1983-84

There has been hardly any shortfall in the expenditure during this year.

3. It shall be observed from the tabulated statement given in para 1 above that the Coast Guard Service has been able to made up shortfall in expenditure substantially during 1983-84. This trend of expenditure is likely to continue, as with the experience gained over the last 3/4 years more effective methods to monitor and control financial performance have been evolved.

4. When it became apparent that the finalisation of the selection of a common aircraft may be delayed, a new scheme to make up the force level by import of In-shore Patrol Vessels from Japan was considered and approved in Apr., 82. The funds earmarked for aircraft were re-appropriated to build up the surface force level. Similarly, the funds which became surplus during the plan period due to slippages in construction of ships by Indian Shipyard, were utilised by approving additional acquisition of three Off-shore Patrol Vessels in July 1983.

5. It would, therefore, be observed that the streamlining and improving the system has resulted in avoiding slippages in 1983-84.

[Ministry of Defence O.M. No. 11(39) 84/D (N-III) dated 22 December, 1984].

Recommendation (Serial No. 7, Para 2.11)

The Committee find that when the Coast Guard was set up in August 1978, it had inherited 2 old Naval Frigates and 5 Patrol Boats. A perspective Development Plan at an estimated cost of Rs. 1,500 crores had envisaged augmentation of the Coast Guard Organisation's fleet to the total force level of 121 Aircrafts, helicopters and patrol vessels etc. by 2000 A.D. However, the Cabinet Committee on Political Affairs approved the plan for first 5 years (1979-84) entailing an outlay of Rs. 100 crores and providing for acquisition of 6 Patrol vessels, 3 light helicopters and 9 Coastal Surveillance Aircrafts. Subsequently, Government also approved transfer of 5 Seaward Defence Boats and acquisition of 8 Fast Interceptor Boats making up a total force level of 33. As against this, Coast Guard has by 1982-83 reached a force level of 23 by acquiring 3 Patrol vessels, 3 light helicopters, 2 Seaward Defence boats and 8 Fast Interceptor Boats by August 1983 to its fleet. This means that in order to make up the shortfall in the acquisition programme, Coast Guard has still to acquire 3 Patrol vessels, 9 Coastal Surveillance aircrafts and 3 Seaward Defence Boats by the end of 1984. Thus even a modest Plan for equipping the organisation has not been implemented properly. The Committee are concerned to note this and expect the organisation to be geared up to avoid shortfall in Plan targets in future. If the Coast Guard Organisation is to discharge all the duties assigned to it under the Coast Guard Act, 1978 and become a first rate force for maritime surveillance, it must have at its command adequate fleet of ships and aircrafts backed by trained manpower of its own.

Reply of Government

The Estimates Committee examined this aspect in September, 1983 when the force level of the Coast Guard was as follows:—

(a) Frigates	2
(b) 'P' Boats	5
(c) Interceptor Boats	8
(d) Seaward Defence Boats	2
(e) Inshore Patrol Vessels	2
(f) Helicopters	3
(g) Medium Range Surveillance aircraft	2

2. However, even at that stage further acquisition during the period 1983-84 and 1984-85 was in the offing. Subsequently the following ships have been added to the above force levels:—

(a) Offshore Patrol Vessels . . .	1
(b) Seaward Defence Boats . . .	2
(c) Inshore Patrol Vessels . . .	2

3. In addition one more offshore patrol vessel is expected to be commissioned by 31st December, 1984.

4. In view of the above, a comparative statement of the force level approved by the CCPA and what will be achieved by 31st December, 1984 is given below:—

	FORCE LEVEL	
	Total approved by CCPA during 1979-85	Will be achieved by 31st Dec., 1984
(a) Offshore Patrol Vessels . .	6	2
(b) Seaward Defence Boats . .	5	4
(c) Inshore Patrol Vessels	7	4
(d) Helicopters . . .	3	3
(e) Light Surveillance Aircraft	9	3 Dornier aircraft contract for which was concluded in November 1983 are expected to join Service in September 1985
(f) Medium Range Surveillance Aircraft (on lease)	Nil	2

5. The reasons for the shortfall in achieving the assigned force level during 1979—84 are enumerated below:—

(a) The Coast Guard Plan 1979—84 was approved by the CCPA only in June, 1980.

(b) Indigenisation aspect was also given due weightage and our defence shipyards had to take on these completely new type of vessels which involved certain slippages. However, Government are equally keen to avoid slippage.

Action is already well-in-hand for the next Plan period 1980-85. For example, indigenous construction of 9 inshore patrol vessels is already being progressed in anticipation of the approval of Coast Guard Plan 1980-85. A contract has already been signed for the next 3 offshore patrol vessels in April, 1984 and our Defence shipyard MDL has scheduled the delivery of these vessels at an interval of five months each from July 1986. A contract for 3 Dornier aircraft in fly away condition for the Coast Guard has also been concluded in November, 1983 and these aircraft shall be available to the Coast Guard towards end of 1985.

[Ministry of Defence O.M. No. 11(39) 84/D (N-III) dated 22 December, 1984].

Rescommendation (Serial No. 9, Para 2.23)

The Committee recall that the underlying objective of setting up of a separate Coast Guard Organisation in 1978 was the fact that utilisation of sophisticated naval warships and trained manpower of the Navy for carrying Coast Guard duties on a continuous basis in peace time was not considered cost effective and thought likely to detract Navy from their operational role. The Committee are, however, constrained to find that despite having remained in existence for more than 5 years and recruiting 22 officers and 100 sailors each year since 1980, Coast Guard Organisation continues to depend on Navy for its manpower requirements. In 1983, out of its staff strength of 172 Officers, 1009 sailors and 194 civilians, as many as 99 officer (57.5 per cent), 697 sailors (69.0 per cent) and 145 civilians (74.7 per cent) were on deputation from the Navy. Director General Coast Guard pointed out in evidence that "if I take in too many sailors and officers at one go, the whole lot will have to be promoted at the same time". Secretary, Ministry of Defence revealed that as conditions of service of Coast Guard Personnel are not at par with those of Navy, naval personnel were reluctant to serve the Coast Guard even on deputation especially when they can get more lucrative jobs in Merchant Navy. He indicated that Coast Guard's dependence on Navy for middle and higher management officers is expected to continue for another 10 years or so. The Committee feel that officers and staff should acquire a stake in the Organisation and develop not only a sense of belonging but also a pride of belonging in order to ensure the effectiveness of the organisation. It is, therefore, desirable that direct intake of officers and sailors into the Coast Guard is suitably raised so as to end its dependence on Navy

in as short a time as possible. Simultaneously, the conditions of service laid down for service in the Coast Guard may be reviewed and suitably improved so as to attract the right type of personnel with the necessary expertise.

Reply of Government

The Coast Guard was created at a very short notice and perforce it had to depend on the deputationists from the Navy to begin with. The aircraft and ships owned by the Coast Guard require highly skilled and trained manpower to handle these sophisticated equipment. In order to induct officers and sailors who would acquire a stake in the organisation, a proper training to these personnel is required. This training is quite lengthy and therefore Coast Guard had to depend over these years mainly on the Navy in this regard. It is a small service and the youth who join this service can only be those who have a liking for the sea and lure of the uniform. The terms and conditions of this service which are not at par with the Navy in certain respects also constitute an inhabiting factor. The Government is trying to improve these terms and conditions for this new service. For example, we are trying to provide free rations and certain other facilities to the Coast Guard personnel as applicable to the Naval personnel on the analogy of the recent concessions given by the Government in this regard to the Naval personnel. Coast Guard is basically a sea going service and certain facilities available to the Navy are being considered for provision to the Coast Guard also to make it more attractive for the youth of the country to join it.

[Ministry of Defence O.M. No. 11(39) 84/D (N-III) dated 22 December, 1984].

Recommendation (Serial No. 10, Para 2.24)

The Committee find that even for the training of its personnel the Coast Guard is dependent on the Navy. The Committee were assured that the Ministry of Defence have already set up a Committee of Officers to go into the question of setting up a separate Academy for training of Coast Guard Personnel but it will take 2 to 3 years time for the proposal to materialise. The Committee would urge that this question may be examined by the Committee of Secretaries with the urgency it deserves and an early decision taken in the matter.

Reply of Government

Training for Coast Guard personnel is of a highly technical and skilled nature. Hence the training infrastructure takes time to build up and is expensive. It would perhaps not be cost effective to build up an entirely independent training infrastructure when the service is still small and the likely trainees being few, the training being primarily needed for direct recruits and not for tenure and Ex-Naval personnel. On the other hand, it is relatively cheap for the nation to utilise the infrastructure available with the sister service.

However, as recommended by the Estimates Committee, a Board of Officers was nominated to examine the options of sites for establishing the Coast Guard Academy. This Board narrowed down the possible locations to Porbander (Gujarat) and Pulicat Lake (Tamil Nadu). Subsequently, on detailed examination both these sites were found unsuitable. A *de-novo* examination of the problem with a view to find new sites is now underway. In the meantime, the training being imparted in Naval training establishments is serving the needs of the Coast Guard most satisfactorily, particularly in view of the small number of trainees involved and the commonality of equipment and machinery fitted in both the services.

[Ministry of Defence O.M. No. 11(39) 84/D (N-III) dated 22 December, 1984].

Recommendation (Serial No. 11, Para 3.8)

The Committee recall that when fire broke out in "Sagar Vikas" in August, 1982, Oil and Natural Gas Commission had to all out American Experts to put out the fire. Though one of the statutory duties of the Coast Guard Organisation was and continues to be to ensure the security of off shore terminals, installations and other structures and devices in our maritime zones, the organisation is still not in a position on its own to put out any major fire, should one break out. The Committee recommend that steps should be taken to attain self reliance in this field early. The security of our off shore installations is so vital that we cannot afford to allow the deficiency to persist any larger.

Reply of Government

The Coast Guard Act stipulates that the Coast Guard is to "ensure the safety and protection of artificial islands, offshore terminals, installations and other structures and devices in any maritime zone".

2. The responsibility for protection against fire on board the oil platforms and to deal with blow outs is that of the Oil and Natural Gas Commission as these are highly specialised tasks. Oil and Natural Gas Commission has a training simulator on which Oil and Natural Gas Commission personnel are imparted training on various aspects connected with blow outs. To cater for contingent situations plans have been worked out which lay down action to be taken by various authorities in case of following emergencies:—

(a) A ship colliding with a platform accidentally or otherwise.

(b) If a platform or rig is struck by lightening.

(c) Outbreak of fire.

(d) Bad weather.

(e) Blow out at a rig.

(f) Damage by under water objects.

(g) Sabotage.

3. Exercises are carried out to test the efficiency of the above mentioned contingency plans.

4. As a result of the lessons learnt from the Sagar Vikas blow out incident, necessary remedial measures have been taken and contingency plans updated.

5. Coast Guard ships have fire fighting capabilities to tackle general fires and with the induction of salvage and rescue ship, this capability will also increase. Limited capability of fire fighting is however being installed on larger Coast Guard vessels.

[Ministry of Defence O.M. No. 11(39) 84/D (N-III) dated 22 December, 1984].

Recommendation (Serial No. 12, Para 3.9)

Yet another possible threat to our off shore installation, etc. can be large oil sleeks. There have recently been reports of formation of a large oil sleek in the Persian Gulf near the Iranian Coast posing a problem to nearby countries of Oman and Qatar. A representative of the Ministry of Agriculture assured the Committee in evidence that according to scientific studies conducted by the National Institute of Oceanorgraphy at Goa the oil sleek in Gulf is not likely to reach our waters and pose a threat to our fisheries. Department of Environment is stated to have already drawn up some contingency

plans so that if at all the oil sleek approaches India's western coast, the threat can be effectively met. The Committee trust that Coast Guard Organisation will continue to be vigilant and should be able to rise to the occasion to carry out the contingency plan if at all such a threat builds up.

Reply of Government

The Coast Guard has decided to create three 'Pollution Response Teams' to be located at Bombay, Madras and Port Blair for combating oil pollution in the Arabian Sea, Bay of Bengal and around Andaman and Nicobar Islands respectively. Pollution response equipment for response team at Bombay has already been procured and commissioned into the Coast Guard service. Similar equipment for Pollution Response Team at Madras is likely to be commissioned by mid 1985 and for Port Blair by end 1986. With this equipment, it would be possible for each response team to combat oil spills up to approximately 4000 metric tons. However, for larger spills, the equipment and manpower held by respective response teams, shall be clubbed to enhance the capacity. In case of still larger oil slicks, the assistance of specialised international agencies shall have to be sought.

2. Coast Guard aircraft under acquisition from West Germany, are also being adequately equipped to detect oil slicks at sea, both during day and night.

4. It will be observed from the above that the Coast Guard service is being adequately equipped to discharge its duties in respect of prevention and control of marine pollution.

[Ministry of Defence O.M. No. 11(39) 84/D (N-III) dated 22 December, 1984].

Recommendation (Serial No. 13, Para 3.21)

The Committee find that during the period 1978 to 1980, while Coast Guard ships were able to apprehend 20 foreign trawlers, Indian Navy apprehended 129 foreign trawlers who were found indulging in unauthorised fishing in our Maritime Zones. All of them were let off after administering a stern warning that fishing by foreign trawlers in India's maritime zones without the authority of Government of India is prohibited under the Territorial Waters, Continental Shelf Exclusive Economic Zone and other Maritime Zones Act, 1976 read with Section 14 of the Coast Guard Act, 1978. It was only in 1981 that a separate Act called the Maritime Zones of

India (Regulation of Fishing by Foreign Vessels) Act, 1981 was passed and brought into force on 2nd November, 1981 to check foreign trawlers from poaching in our waters. This Act, had for the first time, provided stringent punishments of conviction including mandatory confiscation of trawlers, imposition of penalties upto a maximum of Rs. 15 lakhs and imprisonment upto a maximum of two years. This Act had a deterrent effect because during the subsequent period, January 1981 to September, 1983, Coast Guard and the Indian Navy together hauled up only 37 foreign trawlers.

Reply of Government

During last one year, *i.e.* 1st October, 1983 to 30th September, 1984, nine foreign fishing trawlers have been apprehended out of which eight are foreign fishing vessels chartered by Indian companies apprehended for violating the terms and conditions of charter, *i.e.* they were found fishing in depths of less than 40 fathoms. One Taiwanese vessel was apprehended off Visakhapatnam. Legal proceedings are in progress. This brings the total number of apprehensions since January 1981 when the Maritime Zones of India Act was enacted, to 46. As the force level and aerial surveillance capability is further built up, more effective anti-poaching measures will become possible.

[Ministry of Defence O.M. No. 11(39) 84/D (N-III) dated 22 December, 1984].

Recommendation (Serial No. 15, Para 3.37)

The Committee regret to note that though the Coast Guard Organisation was set up in 1978, arrangements for extending assistance to the Customs Department in anti-smuggling operations were laid down on a firm basis only by 1981. The Korean Boats acquired by Customs Department and handed over to the Coast Guard in September, 1980 were pressed into service as late as December, 1980/April 1981. From 1981 to the middle of 1983 *i.e.* in a period of 2½ years, the Coast Guard have been able to apprehend 26 crafts and seized contraband of the value of Rs. 2.2 crores only. A representative of the Coast Guard Organisation revealed in evidence that in 1982, the total value of the seizures of smuggled goods of the country as a whole amount to Rs. 60 crores and out of it

seizures made during anti-sea-borne smuggling operations worked out to Rs. 35 crores. What was seized with the help of the Coast Guard in that year valued Rs. 1.53 crores *i.e.* hardly 2 per cent. Even if the fact that out of 60 country boats and 18 Norwegian Interceptor vessels engaged in anti-sea-borne smuggling operations in the country, Coast Guard has at its disposal only 6 boats is taken into consideration, the achievement of this Organisation cannot, by any standard, be regarded as impressive. The Committee, therefore, recommend that the role of the Coast Guard in anti-smuggling operations may be redefined and the organisation vested with such powers as may be necessary to carry out its statutory duties in this field more effectively. The Coast Guard may also be provided with adequate number of interceptor boats and vessels early.

Reply of Government

The six Interceptor Boards, manned by the Coast Guard are, in fact operated under the operational control of the respective Customs Collectorates. Their effectiveness has so far been directly proportional to the accuracy of the intelligence information obtained by the Department of Revenue.

2. In addition to the Interceptor Boats deployment for meeting customs requirement, other Coast Guard Ships, on Exclusive Economic Zone patrol duties, have apprehended vessels carrying contraband and have handed them over to the customs authorities ashore for legal action.

3. During the year 1984 (1st January to 10th October) seven vessels indulging in smuggling have been apprehended out of which one was by an Interceptor Boat and the remaining six were by the other Coast Guard Ships. Approximate value of the contraband seized is Rs. 20 lakhs. One apprehended vessel (Maguli) which sank while being brought to Bombay was suspected to be carrying contraband worth over Rs. 2 crores.

4. As the Coast Guard force level is built up, it will undertake more vigorous preventive patrolling, independent of the specific requirements of the Customs, and thereby it is hoped to prevent, by deterrence or actual interceptions, smuggling of contraband into the country in a more effective manner.

[Ministry of Defence O.M. No. 11 (39)84/D(N-III) dated 22 December, 1984]

Recommendation (Serial No. 16, Para 3.38)

In this context, it is comforting to note that when the proposed merger of Customs Marine Organisation with Coast Guard takes place, 12 Norwegian boats would come to Coast Guard. The Committee urge that this merger should be brought about without undue delay.

Reply of Government

The merger of Customs Marine with the Coast Guard could not be effected as a number of employees of that organisation filed writ petitions in the High Courts of Kerala, Karnataka and Maharashtra. Though the petition filed in the High Court of Kerala was dismissed, the petitioner went in appeal against the judgement in the High Court and its disposal is pending. The writ petitions at Bombay and Bangalore have not been considered by the respective High Courts.

2. As advised by the Law Ministry, a proposal to transfer the pending writ petitions from the High Courts to the Supreme Court under Article 139(A) of the Constitution was forwarded to the Attorney General. Consequently a transfer application has been filed in the Supreme Court on 10th May, 1984. Efforts are being made constantly to expedite the consideration of the transfer petition by the Supreme Court at an early date.

3. In the meantime, however, the Ministry of Finance, Department of Revenue, has put up a proposal to set up a Customs Marine Organisation for management of the Customs fleet comprising of more than 250 craft of various types and approximately, 2500 personnel. With the establishment of the proposed organisation, the Department of Revenue would be responsible for the repair and maintenance of their fleet of non-sophisticated craft and not be dependent upon the Coast Guard for such support.

4. Further, it may be appreciated that by the time the court cases for the merger of the existing customs Marine Organisation are finalised, there will be hardly any serviceable sophisticated craft available for actual transfer to the Coast Guard as their material state has greatly deteriorated and spares are not available to effect repairs. Transfer of such craft will have no operation value and therefore, serve no useful purpose when the merger actually takes place.

5. In view of the above, it has been suggested to the Department of Revenue that the assets presently belonging to the existing Customs Marine Organisation including all sophisticated craft, workshops etc. should continue to be retained by the Department of Revenue. Old sophisticated craft like the Norwegian Interceptors should be phased out gradually.

[Ministry of Defence O.M. No. 11 (39)84/D (N III) dated 22 December, 1984]

Recommendation (Serial No. 17, Para 3.42)

The Committee find that ever since its inception in 1978, Coast Guard Organisation has done little in the sphere of prevention and control of marine pollution—a duty case on it by the Coast Guard Act of 1978. Prospects of progress in this sphere have, however, brightened up because the responsibility of marine pollution which was earlier entrusted to the Department of Environment in 1980 has been, on the recommendations of the Committee of Secretaries transferred to the Department of Ocean Development in May, 1983. The Committee have been informed that the Coast Guard Headquarters are "inter-acting" with that Department to draw up contingency plans for this purpose. The Committee would like the respective roles of these two organisations being spelt out so that each knows precisely its sphere of responsibility in the matter of prevention and control of marine pollution.

Reply of Government

In this respect, it may be mentioned that in a meeting held in August, 1983 under the Chairmanship of the Cabinet Secretary, the following decisions were taken:—

(a) The existing Laws and Regulations be reviewed to see if they provide a complete legal framework and machinery for enforcing effectively the International Conventions with regard to marine pollution in port areas, coastal waters, and on the high seas and necessary amendments and additions proposed wherever required.

(b) Action be taken for the legal and administrative enforcement of the laws and regulations and in particular for the notification of designated areas under the Maritime Zones Act and the extension of necessary provisions of Merchant Shipping Act and other laws to such areas Exclusive Economic Zones/Continental Shelf.

(c) The facilities and procedures for controlling marine pollution be reviewed and action be taken in particular as follows:—

(i) The ports in India should be provided with equipment and facilities for handling oil discharges and spills.

(ii) An adequate number of suitably equipped Off-shore Supply Vessels and Multi-purpose Supply Vessels for offshort oil rigs and facilities be provided to control pollution from these sources. While it may not be feasible to provide more than certain minimum facilities for dealing with major oil spills, services of specialist agencies may have to be secured. Adequacy of arrangements in the context of obligations of the Law of the Sea Convention may be examined.

(iii) The question of policing of sea-lanes with heavy oil traffic on the high seas be suggested in appropriate International Forum by the Ministry of Shipping and Transport and Department of Environment.

(iv) A time bound programme for disposal of urban wastes be drawn up and schemes for disposal of urban wastes in coastal towns framed by the Ministry of Works and Housing and provisions included in the VII Five Year Plan.

(v) The Department of Environment may set up an Inspectorate to ensure, among other things, that Coastal States were properly enforcing anti-pollution regulations in regard to industrial effluents discharged into the sea.

(d) A Marine Pollution Group to function as an Apex Body be set up by the Department of Environment.

2. An Apex Body as decided in the above meeting was constituted on 7th November, 1983 vide Resolution issued by Department of Environment. This Apex Body is formally known as "Committee on Control of Marine Pollution, particularly by Oil Discharges". Later, in April 1984, it was intimated by the Department of Environment that the work relating to the Committee on Control of Marine Pollution had been transferred to the Department of Ocean Development.

3. In order to fully understand the obligations required to be met|enforced under the international law and Indian Merchant Shipping Act and to bifurcate the functions|duties required to be performed by various agencies engaged in this field, a paper on the subject has been prepared by the Coast Guard Headquarters and submitted to the Department of Ocean Development for consideration by the Apex Body. The paper is likely to be considered in the inaugural meeting of the Apex Body.

[Ministry of Defence O.M. No. 11 (39)84/D (N III) dated 22 December, 1984]

Recommendation (Serial No. 18, Para 3.45)

While the Committee welcome the non-statutory duties and functions assumed by the Coast Guard Organisation, they trust that these would not detract the Coast Guard from their main statutory functions of keeping a vigil on our coastal border.

Reply of Government

Providing protection to fishermen including assistance to them at sea while in distress and taking measures for the safety of life and property at sea are part of the statutory duties assigned to the Coast Guard. Assistance in collection of scientific data and protection of the maritime environment are also within the ambit of the statutory functions of the Coast Guard. Most assistance rendered in the past to other official or non-official agencies fell under these categories. Other types of assistance were provided by the Coast Guard only when it was possible without detracting from its main tasks.

[Ministry of Defence O.M. No. 11(39)84|D(N III) dated 22 December, 1984]

CHAPTER III

RECOMMENDATIONS|OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PERSUE IN VIEW OF GOVERNMENT REPLIES

—NIL—

CHAPTER IV

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH GOVERNMENT REPLIES HAVE NOT BEEN ACCEPTED BY THE COMMITTEE

Recommendation (Serial No. 1, Para 1.9)

The Committee are concerned to note that the Coast Guard Organisation set up in August, 1983 as an Armed Force of the Union is nowhere near fully discharging the statutory duties assigned to it by Parliament under the Coast Guard Act, 1978 and transforming itself as an effective instrument for undertaking maritime surveillance over country's 2.8 million sq. Kilometres long coastline. (The statutory duties include ensuring the safety and protection of artificial islands, off-shore terminals, installations and other structures and devices in maritime zones, providing protection to fishermen, perservation and protection of maritime environment, assisting the customs and other authorities in anti-smuggling operations etc.) The Committee desire that there should be time bound programme for development of this organisation on the lines envisaged in the legislation and it should be adhered to.

Reply of Government

Coast Guard does have a time bound programme for the development of this organisation. Keeping in view the ultimate force level, a Five Year Plan for the period 1979-84 was drawn up and approved by the Cabinet Committee on Political Affairs. This Plan envisaged acquisition of following ships and aircraft:—

(a) Off-shore Patrol Vessels	.. 3
(b) In-shore Patrol Vessels	.. 3
(c) Helicopters	.. 3
(d) The Light Surveillance Aircraft	.. 9

2. The ultimate force level which is planned to be achieved is given below:—

(a) Coastal Surveillance Aircraft	.. 36
(b) Medium Range Surveillance Aircraft	9
(c) Inshore Patrol Vessels	.. 36

(d) Offshore Patrol Vessels .. 24
(e) Deep Sea Patrol Vessels 6
(f) Rescue-cum-Pollution Control Vessels 4
(g) Rescue Helicopters 6

3. A table showing the sanction accorded by the CCPA for Coast Guard development Plan 1979—84 and the actual acquisition so far achieved is given below:—

Type	Nos. approved by CCPA	Addl. No.	Total	Actual Acquisition
Offshore Patrol Vessels	3	3	6	1
Inshore Patrol Vessels	3	9	12	8
Helicopters . . .	3	3*	6	3
Light Surveillance Aircraft . . .	9	Nil	9	3@

*Case under consideration of Government.
@will be delivered in 1985.

4. The next Five Year Plan for the period 1985—90 has also been prepared and is currently under finalisation. The Plan proposes the financial outlay approximately Rs. 550 crores as compared to the financial outlay of Rs. 110 crores for the Plan 1979—84. With the sanction and implementation of this Plan, the following force levels shall be achieved by March, 1990:—

(a) Coastal Surveillance Aircraft 12
(b) Medium Range Surveillance Aircraft .. 4
(c) Inshore Patrol Vessels and Seaward Defence Boats .. 19+5
(d) Offshore Patrol Vessels .. 12
(e) Deep-Sea Patrol Vessels ..1
(f) Rescue-cum-Pollution Control Vessels 2
(g) Rescue Helicopters .. 2

5. It may be appreciated that the Coast Guard, being a maritime force, requires highly trained and skilled manpower to man its sophisticated ships and aircraft. The training of these personnel

is also a very time consuming aspect. The acquisition of ships and aircraft is inherently a time consuming process. The need to develop the capability of indigenous manufacturing has also to be kept in view. It is well-known that indigenous construction of these ships and aircraft under licence takes longer period than for outright acquisitions from abroad. Nevertheless, despite these constraints the Coast Guard is growing smoothly and in an orderly fashion.

[Ministry of Defence O.M. No. 11 (39)84/D (N III) dated 22 December, 1984]

Recommendation (Serial No. 2, Para 1.10)

Section 14(3) of the Coast Guard Act, 1978 stipulates that Coast Guard "shall perform its functions under this section in accordance with, and subject to such rules as may be prescribed and such rules may in particular, make provisions for ensuring that the Coast Guard functions in close liaison with Union Agencies, Institutions and authorities so as to avoid duplication of effort". No rules have however been framed under the Act for ensuring close liaison between the Coast Guard and other Union Agencies, institutions and authorities. The Secretary, Ministry of Defence tried to defend this failure by saying that Government had not felt the necessity of framing any rule under section 14(3) because the rules under other enactments namely Indian Customs, Act, 1962, Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976, Maritime Act, 1981, etc. were adequate to ensure coordination. The Committee are unable to share this view. They desire that an interdepartmental Committee be constituted to go into this question and evolve rules to bring about effective coordination without duplication of efforts. In this connection the Committee wish to draw attention to the 57th Report of the Rajya Sabha Committee on Subordinate Legislation presented on 22 December, 1983 wherein it has been *inter-alia*, observed that "The Ministry of Defence have all along been trying to minimise their statutory duty to frame rules under the Coast Guard Act, 1978 on filmsy grounds".

Reply of Government

A statement indicating the progress of rules framed under the Coast Guard Act, 1978 is placed at Annexure I. The rules as men-

tioned below are at various stages of drafting and are expected to be finalised by end Mar., 85:—

(a) The Coast Guard (General) Rules

(b) The Coast Guard (Ceremonial) Rules

(c) The Coast Guard (Condition of Service) Rules

2. Framing of rules under the Coast Guard Act is a time consuming exercise involving a number of discussions with various agencies. Further, certain rules can be framed only after gaining sufficient experience. The delay in the framing of statutory rules is not preventing or causing obstruction in the performance of the duties for which the service has been created. This is achieved through administrative instructions issued from time to time. Rules which are considered most important for the Service such as Recruitment Rules, Discipline Rules etc. have already been promulgated.

Liaison with the Union Agencies, Institutions and Authorities

3. As per the Coast Guard Act, the CG Service is required to perform its function in close liaison with Union Agencies, Institutions and Authorities so as to avoid duplication of effort. Though an Inter-departmental Committee has not been constituted the Coast Guard is performing the duty of enforcement of the provisions of the Maritime Zones of India (Regulations of Fishing by Foreign Vessels) Act, 1981, in liaison with the Ministry of Agriculture. The Rules under the said Act have been framed by the Ministry of Agriculture in consultation with Coast Guard/Ministry of Defence. Similarly as and when new legislation dealing with subject such as Pollution Control, Ocean Mining, Oil Exploration etc. are drafted the Coast Guard/Ministry of Defence will form an integral part of the Drafting Committee. The Draft Mineral Resources Bill has been framed in consultation with the Coast Guard. It may be stated that co-ordination is taking place whenever required without delay *e.g.* with Ministry of External Affairs, Ministry of Home Affairs, Ministry of Agriculture, Department of Revenue, Ministry of Finance, Ministry of Shipping & Transport, Department of Ocean Development. Frequent meetings both formal and informal are held whenever required. Formalisation of this structure is likely to be under the consultation process more dilatory and procedure bound.

[Ministry of Defence O.M. No. 11 (39)84/D (N III)
dated 22 December, 1984]

ANNEXURE I

Refer Reply to Para 1.10

Sl. No.	Sections of coast Guard Act	Subject	Remarks
1	2	3	4
1.	123 (2) (a) (d) and (e)	Constitution Governance Command, Removal, Retirement, Discharge from Service etc.	Fair draft rules, after discussion with Shri V. R. Atre, Deputy Legislative Counsel, Ministry of Law, have been forwarded to them for final vetting.
2.	123 (2) (a) (h) (i) (j) (k) & (l)	Discipline, Coast Guard Courts, Punishments etc. Conditions of Service.	Statutory Rules promulgated *vide* S. R. O. 46-E. May 1983. Partly promulgated *vide* S. R. Os at serial 4 and remaining on the drafting stage and will be finalised by 31st March, 1985.
4.	123 (2) (b)	Recruitment and Enrollment	Statutory Rules promulgated *vide* various S.R.Os in 1982-83.
5.	123 (2) (m)	Ceremonials	Draft rules were submitted to Ministry of Defence in October, 1983. Ministry of Defence forwarded them to Naval Headquarters for their comments. The rules were returned by Naval Headquarters to Coast Guard Headquarters in July 1984. Naval Headquarters have raised certain basic issues which require an in-depth study. The revised rules are likely to be ready by 31st March, 1985.
6.	123(f) (g) (h) section 13 of Coast Guard Act	Other matters	No rules are considered necessary at the moment. Rules will be drafted when need arises.

Recommendation Serial No. 5 (Para 1.25)

The Committee would also like Government to review the system of delegation of powers to and within the Coast Guard Organisation to facilitate quick decision being taken.

Reply of Government

The financial powers of the Coast Guard authorities were first promulgated in 1978 for an initial period of two years. This has since been extended from time to time. The financial powers have hither to been generally felt to be adequate. However, Coast Guard Headquarters are reviewing these and if required will forward appropriate proposals to Government.

[Ministry of Defence O.M. No. 11 (39)84/D (N III) dated 22 December, 1984]

Recommendation (Serial No. 8, Para 2.12)

Development Plan (1979—84) had interalia provided for acquisition of 9 Coastal Surveillance aircrafts for the Coast Guard. A Committee headed by Shri K. P. A. Menon, the then Defence Secretary, was constituted in 1980 for selection of a suitable aircraft for coastal surveillance. It submitted its Report in July, 1981. Thereafter the Price Negotiating Committee headed by Shri P. K. Kaul, Defence Secretary held discussions in 1982 with the manufactures and recommended that contractual negotiations be taken up with M|s. Dornier. This model has been approved in August, 1983. The Committee feel that the process of selection of a suitable aircraft for Coastal Surveillance has taken too long and hope that there will be no further delay in acquisition of the aircraft. They also desire that the procedure for selection should be rationalised in order to allow of speedy decisions.

Reply of Government

The observations of the Committee have been noted by the Government for future guidance. It may, however, be pointed out that the use of multi role and sophisticated aircraft to meet the requirements of various users like the Navy, the Air Force, the Coast Guard and Vayu Doot involved considerable time. The various aircraft had to be technically evaluated in order to have the best possible aircraft. The aspect of the licence production of this aircraft in India was also kept in view. In order to have a viable indigenous production of this aircraft, the total numbers of aircraft was also an important factor. In the interest of standardisation and commonality the requirements of the aforesaid users were clubbed together and this naturally took some time in finalization of the choice.

[Ministry of Defence O.M. No. 11(39) 84/D(N III) dated 22 December, 1984].

Recommendation (Serial No. 14, Para 3.22)

The Committee, however, regret to note that while the legislation to check unauthorised fishing in our maritime zones, was made stringent in 1981, the legal proceedings continue to be long drawn out resulting in berthing of as many as 15 foreign vessels (out of 37 apprehended) for long periods entailing payment of substantial port charges by the Ministry of Agriculture. Of the total port charges of Rs. 47.60 lakhs as much as 45.77 had to be paid for berthing of 7 foreign trawlers at Haldia alone. Ministry of Defence have

intimated that the question of streamlining the legal procedure had been gone into by an Inter-ministerial Group which has made a few suggestions like (i) restricting the number of places where trials can be held (ii) holding of trials in Sessions Courts or High Courts instead of the Courts of Metropolitan Magistrates|Judicial Magistrates (iii) making the offences compoundable and conferring quasi-judicial powers on the Coast Guard as in the case of Customs (iv) authorising Coast Guard to have its own fleet of Interpreters, etc. The Secretary, Ministry of Defence expressed the view that if besides the trial Magistrate, District Magistrates are also authorised to order release of apprehended vessels on payment of requisite security, it would help.

The Committee desire that suitable steps should be taken to promptly deal with the offences and bring about a real deterrent effect. The Committee feel that if without offending the international law, we could introduce summary trial of such offences, it would go a long way in minimising protracted legal proceedings. The Defence Secretary's reaction to this suggestion in evidence was that "that is something which can be examined." The Committee recommend that besides taking other measures that may be conceived to get over the problem, the feasibility of introducing summary trial of such offences may also be examined by Government.

Reply of Government

Certain proposals to streamline the present legal procedures in respect of the apprehended foreign fishing vessels were considered by the Committee of Secretaries in a meeting held on 8th August, 1983. Based on the conclusions of the aforesaid Committee, Coast Guard Headquarters have recommended certain amendments to the Maritime Zones of India Act, 1981. In the Inter-Ministerial meeting held on 27th August, 1984 under the chairmanship of the Agriculture Secretary, the following decisions were taken:—

(a) Provision for a channel of administrative adjudication in the Maritime Zones of India, Act, 1981.

(b) Provision for valuation of the vessel by Central Government Valuers.

(c) Provision for custody of the vessel during pendency of trial with Fisheries Survey of India/Ministry of Agriculture.

2. Meanwhile Coast Guard Headquarters have appointed a Chief Law Officer of the rank of Commodore and there has been some improvement in the progressing of the legal cases in various courts. The Chief Law Officer is also studying the prosecution systems with a view to eliminate delays. A constant monitoring of various cases pending in the courts is also being done. Certain other proposals in this reagrd for strengthening the legal organisation of the Coast Guard are also under consideration of the Government. Certain suggestions have also been made to the Ministry of Agriculture for streamlining the prosecution procedures etc.

[Ministry of Defence O.M. No. 11(39) 84/D(N III) dated 22 December, 1984].

CHAPTER V

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH FINAL REPLIES ARE STILL AWAITED

—NIL—

NEW DELHI;
July 30, 1985.
Sravana 8, 1907 (*S*)

CHINTAMANI PANIGRAHI,
Chairman,
Estimates Committee.

APPENDIX

(Vide introduction of the Report)

Analysis of Action taken by Government on the Seventy-first Report of Estimates Committee (7th Lok Sabha)

I.	Total number of recommendations	18
II.	Recommendations/Observations which have been accepted by Government (Nos. 3, 4, 6, 7, 9, 10, 11,12, 13, 15, 16, 17 and 18)	
	Total :	13
	Percentage	72%
III.	Recommendations/Observations which the Committee do not desire to pursue in view of Government replies (NIL)	
	Total :	NIL
IV.	Recommendations/Observations in respect of which Government's replies have not been accepted by the Committee (Nos. 1, 2, 5, 8 and 14)	
	Total :	5
	Percentage	28%
V.	Recommendations /Observations in respect of which final replies of Government are still awaited.	
	Total:	NIL

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